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18 JAN 2007

In re Application of:	:	
KRAFT, Phillip, et al.	:	DECISION ON PETITION
U.S. Application No.: 10/521,494	:	(37 CFR 1.181)
PCT No.: PCT/CH03/00466	:	
International Filing Date: 11 July 2003	:	
Priority Date: 20 July 2002	:	
Attorney's Docket No.: 102790-186 (30060)	:	
For: FRAGRANCE COMPOSITION	:	

This decision is issued in response to the "Petition To The Commissioner" filed 20 December 2006, treated herein as a petition under 37 CFR 1.181 to withdraw the holding of abandonment. No petition fee is required.

BACKGROUND

The procedural background for this application was set forth in detail in the decisions mailed herein on 29 March 2006 and 13 July 2006.

The decision mailed 29 March 2006 dismissed applicants petition under 37 CFR 1.47(a) for failure to satisfy the requirements of a grantable petition. It is noted that the petition under 37 CFR 1.47(a) was filed by applicants in response to the Notification Of Missing Requirements (Form PCT/DO/EO/905) mailed herein on 19 August 2005.

The decision mailed 13 July 2006 dismissed applicant's renewed submission under 37 CFR 1.47(a) as moot based on applicants' 13 June 2006 filing of a declaration executed by the previously non-signing inventor. The decision noted that date under 35 U.S.C. 371(c)(1), (c)(2), and (c)(4) was 13 June 2006.

On 06 November 2006, the DO/EO/US mailed a Notification Of Abandonment (Form PCT/DO/EO/909) indicating that the application was abandoned for failure to file a timely response to the Notification Of Missing Requirements mailed 19 August 2005.

On 20 December 2006, applicants filed the petition considered herein. The petition refers to the previous decisions herein and asserts that, based on such decisions, the holding of abandonment should be withdrawn.

DISCUSSION

A review of the application file confirms that applicants filed a timely response to the Notification of Missing Requirements mailed 19 August 2005 (in the form of a petition under 37

CFR 1.47(a), with required extension fee), and that the petition was later dismissed as moot based on applicants' 16 June 2006 filing of a declaration executed by the previously non-signing inventor.

The Notification Of Abandonment mailed 06 November 2006, based as it was on applicants' purported failure to file a response to the Notification Of Missing Requirements mailed 19 August 2005, is therefore appropriately withdrawn.

CONCLUSION

The petition to withdraw the holding of abandonment is **GRANTED**.

The Notification Of Abandonment (Form PCT/DO/EO/909) mailed 06 November 2006 is hereby **VACATED**.

This application is being referred to the National Stage Processing Branch of the PCT Operations Division for further processing in accord with this decision. The date under 35 U.S.C. 371(c)(1), (c)(2), and (c)(4) is 13 June 2006.



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